

"Midwest Regional Hearing on Voting Rights Act of 1965 Reauthorization" Minneapolis, Minnesota - The Voting Rights Act of 1965 is the seminal legislative achievement of the Civil Rights Movement. Though narrowly tailored to address the specific mechanisms of disenfranchisement, the Act's effects have been far reaching. It has been instrumental in creating an environment that encourages the participation of all Americans in the electoral process. The Act has provided previously disenfranchised minority voters an equal opportunity to be elected and represented at all levels of government. Reauthorizing the Voting Rights Act should proceed in that spirit, and I am honored to be a part of the effort.

The Lawyers' Committee for Civil Rights Under Law is to be commended for undertaking regional hearings across the country. The finding of facts is crucial if we are to reauthorize the provisions of the Voting Rights Act that expire in 2007. We also must explore ways in which the Act might be strengthened to adapt to the changing circumstances of the present.

Indeed, many organizations have shown that racially targeted voter suppression efforts are still common. Reauthorization of the Voting Rights Act of 1965 is essential to our Nation because of the continuing efforts of some to deny voting rights to segments of our population. No citizen should be discouraged or intimidated from voting because of race or ethnic background, and the United States government should undertake vigorous efforts to make sure discrimination does not happen.

In recent elections, especially the Presidential contests of 2000 and 2004, a troubling array of policies and procedures resulted in the disenfranchisement of thousands of Americans from varying walks of life. In many instances, allegations have been made that these policies and procedures have targeted or disproportionately affected minority communities.

The National Association for the Advancement of Colored People (NAACP) and People for the American Way (PFAW) report that in 2004, plans to place challengers in many predominantly African-American precincts were prepared in Kentucky. Press reports indicated plans for similar efforts in Ohio and other states. In Texas, students at Prairie View A&M University, a largely African-American institution, were erroneously told that they were ineligible to vote.

Also according to NAACP and PFAW, in 2000, a flawed list of alleged felons was used to purge some 57,700 voters from registration lists. About 54% of those on the purge list were

African-American and Latino. On the day of the election, the NAACP reported scores of calls from Floridians reporting intimidation and other problems at voting places. These are just a few of the myriad examples of alleged racial discrimination in voting policies and procedures that have been documented in the press and by civil rights organizations.

A thorough examination of the circumstances, implications, and potential remedies of the various allegations of voter suppression and intimidation is appropriate as we contemplate reauthorization of the Voting Rights Act. We should look for ways to address voting irregularities under the current Voting Rights Act structure, and look for ways in which that structure might be improved to encompass the current manifestations of race-based voter intimidation and suppression.

Reauthorizing and strengthening the Act - both of which occurred in 1970, 1975, and 1982 - is important because it will help to address these suppression efforts in two ways. First, it will further empower law enforcement officials to combat voter suppression and intimidation through the legal system. Secondly, it will reaffirm our government's commitment to protecting voting rights for citizens at all levels, and send a clear signal to anyone who would seek to suppress voting rights that their machinations will not be tolerated.

Specifically, reauthorization of Section 5 of the Act, requiring Department of Justice preclearance of changes to voting policies and procedures in certain jurisdictions, is vital. Section 5 must not be removed or weakened. However, Section 5 must not be applied nationally where it is not needed. These provisions were specifically designed to target areas where there was a history or pattern of voter exclusion and discrimination. Any modification of Section 5 must be similarly targeted to current problems so that it can pass constitutional muster in a potential court challenge.

For the Midwest region, reauthorizing the Act is important because of the expansion of suppression efforts into our states and cities. In South Dakota, for example, we have seen a number of policies that adversely affect the ability of Native Americans to cast their votes, especially through limits and regulations on the types of identification that voters can use at the polls.

In Detroit, a State Representative was quoted as saying, "If we do not suppress the Detroit vote, we're going to have a tough time in this election." This statement was widely interpreted as a suggestion that African-American voters would be targeted.

These examples are just a few of the many instances of allegations of voter suppression and intimidation in the Midwest. While still very prevalent - for example with ex-felons - race-based suppression efforts are not limited to the Deep South, and reauthorizing the Voting Rights Act gives us the opportunity to find solutions to the schemes of disenfranchisement that have presented themselves in various places.

Provisions that provide for language assistance at voting places are also key in the reauthorization process. This is true for the entire nation, and especially for the Midwest. As Hispanic and other non-English speaking communities continue to grow and prosper in our region, we will have to redouble our efforts to make sure that all citizens are able to participate in the electoral process. We should examine the language assistance provisions currently in the Voting Rights Act, and modify them to accommodate the changing demographic landscape of the Midwest and the nation.

Again, I commend the Lawyers' Committee for holding this hearing, and appreciate the participation of all involved in it. I look forward to working with the Lawyers' Committee and all concerned stakeholders as the reauthorization process continues. The Voting Rights Act is the bedrock of modern American democracy. I hope we can maintain that strong foundation, and make it even stronger for the future.